

REMARKS

With the cancellation of claims 2, 3, 8, 28, 31, 32, 37-70 and 76-81, claims 1, 4-7, 9-27, 29, 30, 33-36 and 71-75 are pending.

The amendments to claim 1 are supported by the original claims 3, 23 and 29 as filed.

The amendments to claims 11, 12, 14, 21, 22, 29, 30 and 33 are editorial or would not narrow the scope of the amended claims.

In response to the Restriction Requirement, applicants elect with traverse to prosecute Group I, with claims drawn to a composition. Applicants submit that claims 1, 4-7, 9-27, 29, 30 and 33-36 belong to Group I. Applicants submit that the restriction requirement should be withdrawn because, with the amendments to claim 1, the prior art US 6,645,466 fails to anticipate or render obvious the pending composition claims. The composition claims share the same special technical feature with the medicament claims 71 and 72, and with the method claims 73-75. The special technical feature is the particles of at least one soft steroid of formula I or II having a volume mean diameter of less than about 20 micrometers and particles of at least one excipient having a volume mean diameter of about 10 to about 1000 micrometers, wherein the volume mean diameter of the soft steroid particles is more than 3 times smaller than the mean diameter of the excipient particles.

In response to the Election of Species Requirement, applicants elect with traverse the species of etiprednol dicloacetate, which is disclosed in the specification at least in Example 1 and in claim 62 as filed. Claims 1, 4-7, 9-27, 29, 30, 33-36 and 71-75 read on the elected species. The response to the Election of Species Requirement is made with traverse because applicants submit that there would not be undue burden to search for the full scope of the elected claims.

In the event that the filing of the Response is deemed not timely, applicant petitions for an appropriate extension of time and the petition fee can be charged to Deposit Account No. 11-0600.

Respectfully submitted,

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